THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.7144 OF 2006

DATED: 01-02-2007

BETWEEN

Nematuri Prakash, S/o. N. Laxmi Narasiah Chary,
R/o. 18-7-498/B, Kandikal Gate, SRT Colony,
Uppuguda, Hyderabad.

...PETITIONER

AND

The Commissioner of Police, Hyderabad
and others.

...RESPONDENTS

ORDER:

This writ petition has been filed seeking a Writ of Mandamus to direct the second respondent and his subordinate officers not to interfere with the peaceful life and privacy of the petitioner and his relatives.

2. It is the case of the petitioner that third respondent is his wife and some quarrels arose between them. It is stated that the petitioner unable to live with the third respondent had proposed consent divorce, upon which the third respondent lodged a complaint before the second respondent against petitioner and his relatives alleging dowry harassment. It is stated that though FIR has not been registered on the said complaint the petitioner attended the police station several times where respondents 2 and 3 demanded money and threatened the petitioner and his family members with arrest.

3. Counter has been filed stating that the third respondent did

not file any complaint against the petitioner and third respondent never approached the police nor lodged any complaint. The allegation of the petitioner that the second respondent is sending his officers to the house of petitioner and his relatives is denied and stated that the police never interfered with the peaceful life and liberty of the petitioner and his relatives. The writ petition has been filed merely on an apprehension that the third respondent might lodge a complaint against him.

4. In view of the categorical denial of the allegations made by the petitioner, I am of the opinion that the disputed questions of fact cannot be gone into in a writ petition. If the petitioner is aggrieved by any illegal action on the part of the respondents, it is always open to him to take appropriate action in accordance with law before the concerned criminal court. Having regard to the facts and circumstances, no direction can be issued in this writ petition.

The writ petition is accordingly dismissed. There shall be no order as to costs.

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V. ESWARAIAH, J

February 1, 2007
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